



## RIGHTS OF WOMEN AND LAW REGARDING DOMESTIC VIOLENCE

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### Abstract

However, reports from non-governmental organisations (NGO) indicate that Bangladesh has one of the highest rates globally, despite advancements in Women's Rights and a long history of women's movements. This is the case despite the fact that Bangladesh is one of the most progressive countries in the world. In the guise of culture, tradition, and religion, violence against women is sanctioned by both society and the state. This violence is well ingrained in both cultural and socio-economic practises and is deeply integrated in both. Act to Provide for More Effective Protection of the Rights of Women Who Are Victims of Violence of Any Kind Occurring Within the Family and for Matters Related to or Incidental Thereto Act to Provide for More Effective Protection of the Rights of Women Who Are Victims of Violence of Any Kind Occurring Within the Family Act to Provide for More Effective Protection of the Rights of Women Who Are Victims of Violence of Any Kind Occurring Within the Family Act to Provide for More Effective Protection of the Rights of Women Who Are The incidence of domestic violence is far too common, but it has been largely concealed from the gaze of the general public for the most part. When one person in a family-like or domestic connection makes an effort to compel or control another individual, this behaviour is referred to as domestic violence.

**keywords:** *Law, socio-economic, violence, Domestic*

### INTRODUCTION

Abusive behaviour toward one's spouse or other intimate partner may be traced back to the beginning of recorded history and has been documented in virtually every nation and civilisation around the world. Discrimination and oppression, which can result in physical, mental, or emotional violence, have been normalised and accepted as a component of society in every patriarchal civilization. Patriarchal societies have also normalised and accepted sexual violence. It is reasonable to conclude that domestic violence has been allowed not only socially but also legally unless a more recent reference can be found to the contrary. The key events, legal frameworks, and social norms that have occurred throughout history are what create the historical backdrop for the idea of domestic violence. When seen within this framework, the meaning of the term "domestic violence" becomes unmistakably clear. The projection of women as "property," an object belonging to men, and secondly, expectations from women as an ideal "role model," suit each other in such a way as to make her vulnerable and subject to discrimination, oppression, and various forms of victimisation, and as a result, compel their subordination. Male dominance and the projection of women as "property," an object belonging to men. Secondly, expectations from women as an ideal "role model." The combination of these two primary factors ultimately determined the position of women.

According to the aforementioned quote, "violence against women is a manifestation of historically uneven power relations between men and women," which "have led to domination over and discrimination against

women by men, as well as to the restriction of women's full advancement." "Violence against women is a manifestation of historically uneven power relations between men and women." Abuse of a spouse, partner, or other member of the household by a member of the household's inhabitants, whether it be physically, sexually, or mentally, is what is referred to as "domestic violence." [Citation needed] The term "domestic violence" refers to behaviour in which one member of a family, a current or past spouse, or an ex-partner makes an attempt to physically or mentally dominate or harm the other person in the relationship. This type of behaviour may also be considered stalking. People of any race, creed, or nationality can be victims of domestic abuse, as it is an issue that affects the entire world. In addition, those who conduct violent crimes against their relationships might originate from any socioeconomic class. Violence against women, most notably from intimate partners, as well as sexual violence against women, is one of the most serious threats to public health and a violation of women's fundamental rights as human beings. Additionally, sexual violence against women is one of the most common forms of violence against women. 35 percent of women in every region of the world have been the victims of either physical and/or sexual intimate relationship violence or non-partner sexual violence, according to a worldwide review of the available statistics that was carried out in the year 2013. On the other hand, the findings of some national studies on violence indicate that up to seventy percent of women will be the victims of some form of physical or sexual assault at some point in their lives at the hands of an intimate partner. This is the case regardless of whether the assault was physical or sexual in nature. The United Nations first coined the phrase "violence against women" in its resolutions. It might come in the form of words or it could take the shape of acts. This article focuses on women who are victims of domestic violence, the laws that are now in place to protect them, and the introduction of new legislation to further those safeguards. Specifically, the article discusses the introduction of new legislation to further existing protections. The role of women in Indian culture has undergone a number of important alterations over the course of a number of millennia, and these movements have been marked by multiple notable changes. The history of women in India has been eventful, ranging from the time when they were given equal status with males in ancient times to the low periods of the mediaeval period to the support of equal rights by various reformers in more recent times. This history spans from the time when they held equal status with males in ancient times to the low periods of the mediaeval period. It is extremely upsetting as well as disappointing to believe that a culture that celebrates womanhood through epics and their dedication to goddesses would be so condescending and insensitive to everyday women who live in the country when it comes to issues pertaining to women's rights and equality. It is difficult to believe that such a culture could exist.

There are many different forms of violence that are committed against women, including sexual, physical, or emotional abuse by an intimate partner; physical or sexual abuse by family members or others; sexual harassment and abuse by authority figures (such as teachers, police officers, or employers); trafficking for forced labour or sex; and traditional practises such as forced or child marriages, dowry-related violence, and honour killings, in which women are murdered for the purpose of preserving a woman's reputation.

When there is a pattern of abuse of a sexual character during times of conflict, this is another type of violence that is committed against women.

## **FORMS OF DOMESTIC VIOLENCE**

Physical Neglect:

- Shoved or pushed you.
- Kept you from leaving by holding you.
- Hit or slapped you.
- You were kicked or choked.
- Punched or hit you.
- Things being thrown at you.
- Kept you locked outside the house.
- Left you in risky situations.
- Refused to assist you while you were ill, hurt, or expecting.
- Driven carelessly or forced you off the road.
- Used a weapon to threaten to harm you.

**b) sexual assault:**

- Downplayed the significance of your sex-related emotions.
- You received sexual criticism.
- Insisted on touching that was uncomfortable or unwelcome.
- Withheld tenderness and sex.
- Forced sex following physical abuse or during a period of illness.
- abused you.
- Been enraged out of jealousy and presuming sex.
- Someone forced you to dress in a more sexy manner than you preferred.

c) Psychological Abuse: Psychological abuse encompasses actions taken with the intent to terrorise and oppress, including verbal abuse, seclusion, confinement to the home, surveillance, threats to take away custody of the children, destruction of property, and ongoing humiliation.

d) Economic Abuse: Economic abuse includes actions like withholding payments, declining to make financial contributions, denying access to food and other necessities, restricting access to health care and work, etc.

**e) Emotional Violence:**

- Constantly berated you, called you names, or yelled at you.
- You offended or drove away your family or friends.
- Made fun of you in front of others.
- Kept you from working, managed your finances, or made all the money.
- The choices rejected doing the job or splitting the money.
- Stolen your cash or car keys.
- Consistently told you to leave or made threats to do so.
- When the abuser got angry, she threatened to kidnap the kids.
- Used your cruelty of pets against you.
- Used deception and contradiction to manipulate you.

f) Individualized violence: It has been discovered that older women and young girls are particularly susceptible to domestic abuse. Undoubtedly, the situation of women in households is still very

problematic. Girls who are single and unwelcome in their fathers' households may also face violence. Violence against unmarried women (against girls) and violence against married women c) Abuse of elderly women.

#### **Factors that contribute to violent behaviour:**

1. A society that is controlled by men Despite the fact that women have attained leadership roles, India has always been and continues to be a male-dominated country.
2. Victims of domestic violence are frightened to protest because there is a lack of awareness of the laws, or more accurately, there is a lack of action to make her aware of her rights.
3. Laxity in the implementation of the existing Acts: No or very few attempts are made by the authorities posted to implement the Act to increase awareness among the women. This is one example of the laxity in implementation.
4. Red tape and fear If a domestic abuse incident is reported by a third party, then the person who made the report will be viewed by the community as an intruder and a source of disruption. The persistent occurrence of domestic abuse in India can be attributed, in part, to the red tape that is associated with the reporting of domestic violence as well as the absence of funding for support groups.

#### **A ACT RELATING TO THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE, 2005**

An Act to Provide for More Effective Protection of the Rights of Women Guaranteed Under the Constitution Who Are Victims of Violence of Any Kind Occurring Within the Family and for Matters Related to or Incidental Thereto An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind The occurrence of domestic violence is all too widespread, but it has primarily been hidden from view in the private sphere of the home. This Act would make it easier for victims to seek help and As of right now, it is a criminal offence under Section 498A of the Indian Penal Code, 1860 for a woman to be subjected to cruelty by her husband or the relatives of her spouse. This provision was added in 1860. In 1860, this regulation was put into action. As a result of this, a law is being proposed to grant for a remedy under the civil law in order to protect women from being victims of domestic violence and to prevent the incidence of domestic violence in the society. This is being done in order to protect women from being victims of domestic violence. The rights that are guaranteed by Articles 14, 15, and 21 of the Constitution are being taken into consideration in the drafting of this law. This includes causing physical abuse, sexual abuse, verbal and emotional abuse, and economic abuse; or harasses, harms, injures, or endangers the aggrieved person with the view to coerce them into submission. "Any act, omission or commission or conduct of the respondent shall constitute domestic violence when it harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or

#### **The Protection from Domestic Violence Act of 2005 contains a number of important provisions, which are summarised below:**

It is intended to cover women who are or have been in a relationship with the abuser, where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption. Additionally, it covers women who are related to the abuser by consanguinity, marriage or a relationship in the nature of marriage, or adoption. In addition to this, it

intends to encompass connections that exist between members of the same family who live together as a nuclear family. All women, regardless of whether they are sisters, widows, mothers, single women, or women who live with another person, are eligible to obtain legal protection under the conditions of the proposed Act. This applies to women who live alone as well as women who live with another person.

Under the umbrella term "domestic violence," we include acts of abuse that are physical, sexual, verbal, emotional, or financial, as well as the threat of such acts of abuse. Intimidation of a woman or her family members by making dowry demands is another form of behaviour that would fall under this description. One of the most essential components of the legislation is the provision that the Act makes for the woman to have the right to reside in a secure environment.

The Act gives a woman the right to remain in a married or joint family, regardless of whether or not she is provided any rights within the home. This right is guaranteed to the woman regardless of whether or not she is granted any benefits. The preservation of this right is ensured by a residency order, which is handed down by a judge after a legal proceeding. These residence limitations can in no way be applied against female individuals, regardless of who those individuals are.

The Act also gives the court the authority to issue protection orders, which prohibit the abuser from participating in or committing an act of domestic violence or any other specific act, entering a workplace or any other place frequented by the abused, attempting to communicate with the sufferer, dividing any assets used by both parties, and committing acts of violence against the victim, her relatives, and others who provide her with assistance from the domestic violence. The Act also gives the court the authority to issue protection orders, which prohibit the abuser from The Act also foresees the possibility of providing another type of relief, which is that of the power of the

The Act makes it possible for Protection Officers and other non-governmental organisations to be appointed in order to give support to women who are in need of medical examinations, legal assistance, safe refuge, and other services that are comparable to these.

According to the Act, a respondent who violates a protection order or a temporary protection order is guilty of a cognizable and non-bailable offence that can result in a sentence of up to one year in prison, a fine of up to twenty thousand rupees, or both of these punishments. If a respondent violates a protection order or a temporary protection order, the Act states that they are guilty of a cognizable and non-bailable offence. In a similar spirit, it is recommended that non-compliance with the Act or the execution of responsibilities by the Protection Officer should also be deemed an offence and be subject to the same punishment. This would be the case in order to maintain consistency.

## **OBJECTIVE**

1. To investigate the intersection between the conversation about human rights and the issue of domestic abuse
2. To investigate the legal framework relating to domestic violence that existed prior to its enactment
3. To investigate the legal options open to a victim of domestic violence, including those provided by the Protection of Women from Domestic Violence Act of 2005, as well as those provided by civil and criminal law;

## **CRITICAL ANALYSIS OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005**

Under the guise of protecting individuals, this legislation undermines the institution of marriage by fostering intolerance and encouraging pointless litigation, even over relatively minor disagreements between spouses. This regulation is predicated on an incorrect premise and makes the assumption that men are the only people capable of committing acts of domestic abuse. This is an entirely false image, and all it does is reaffirm the gender bias in favour of women that has been formed as a result of this rule. The law bestows a right on a woman without obligating her to do any duty, yet the obligations placed on men are unfairly onerous, and they are denied any privilege that is even remotely comparable to the one bestowed on women. Because the law treats men and women differently, there is no legal protection for men who are victims of domestic abuse. This Act has given recognition and legal status to extramarital relationships or other immoral relationships, which are neither recognised by our society nor by our existing matrimonial or penal law. This was done in the zeal of providing protection and assistance to women, which this Act was intended to do. During the process of enacting the Act, the legislative body failed to take into account the fact that one of the grounds for divorce is having sexual relations with a person other than one's husband. Even sections 24 and 25 of the Hindu Marriage Act of 1955, which allow for support pendente lite and permanent alimony respectively, do not recognise any connection other than that of a lawfully married husband and wife. This is because these parts provide for maintenance pendente lite. In addition to this provision of the Code of Criminal Procedure section 125, which grants maintenance to a wife, children, father, and mother in a more general sense, the Code of Criminal Procedure does not recognise persons having illegitimate relationships as being entitled to claim maintenance, with the exception of an illegitimate child. According to subsection 125(4) of the Code of Criminal Procedure, a wife who is living in adultery is not allowed to make any kind of maintenance claim against her husband under subsection 125(1) of the same code. Adultery is specifically mentioned as an offence under section 497 of the Indian Penal Code, however the lawmakers failed to take this into account. Therefore, while a man will be prosecuted for adultery on the one hand, at the same time he will be compelled to pay maintenance as well as provide residency rights to a woman with whom he is alleged to have maintained an illegitimate relationship. In other words, while a man will be forced to pay maintenance and provide residency rights to a woman with whom he is alleged to have maintained an illegitimate relationship, Because of this provision, marriage bonds will be severed, which will throw a wrench into the functioning of society's social fabric. There was no comprehensive legislation defining domestic abuse before to the passing of this Act, with the exception of the offence of cruelty that is punished under section 498-A of the Indian Penal Code. Some people believe that the concept of violence should not be given such a broad meaning. [Citation needed] The definition of the term "economic abuse" that is provided in section 3 of the Act suggests that even if a male member of the family merely misappropriates or disposes of the share of a women member of the family (i.e., movable or immovable assets), he may be hauled up for committing domestic violence. This is because the term "economic abuse" is considered a form of "economic abuse." This interpretation runs counter to the intent of the Act as well as the core idea of what constitutes domestic abuse. Again, the Act does not differentiate between actual abuse and the prospect of abuse, and it assigns identical weighting to even the possibility that abuse would occur. In addition, with regard to the concept of emotional abuses, insults, and verbal abuse that is enshrined in the Act, the terms in themselves are extremely relative and subjective, frequently depending on one's mindset, and surprisingly, the husband does not have any legal recourse in the event that the wife commits any form of abuse. The provisions of this article will be used in the event that a person refuses to pay any amount of money for any reason. Even if the husband does not have sufficient resources or if he is

incarcerated, the non-payment of rent related to the shared household will still be considered economic abuse.<sup>16</sup> In this enactment, the Magistrate has been entrusted with unaccountable powers because he is invested with the responsibility to take cognizance of the case and also for executing his own orders in favour of the aggrieved woman even without being approached for the execution of his orders. The fact that the Magistrate who is presiding over the case is required to consider not just the specific act of violence at issue in the case, but also the general circumstances, is an extra unsettling factor. A very troubling provision can be found in Section 14 of the Protection of Women from Domestic Violence Act, which was passed in 2005. This provision states that the Magistrate may order the person who has been wronged to participate in counselling together with the respondent and any member of the service provider. This goes against every standard that is acknowledged in the counselling profession. Because neither the victim nor the abuser are in an equal position, it is impossible to provide collaborative therapy in this kind of setting. It is impossible for it not to result in the disempowerment of the party that is unequal. Counseling is one of the strategies that may be used to change abusive behaviour; as a result, it is only proper that the abuser, and not the victim, be the one who receives counselling. The potential exists for the victim to participate in therapy on their own free will. If one of the parties involved in the procedure wishes for it to take place behind closed doors, the Magistrate is authorised to do so under Section 16 of the Protection of Women from Domestic Violence Act of 2005. But at some point during the processes that take place behind closed doors, you should try to frighten the party that is claiming wrongdoing. This is especially true in situations where the injured party is the sole woman in the courtroom and is up against an all-male phalanx consisting of hostile and sneering magistrates, attorneys, officials, police, and male responder, among other males. The scenario calls for changing this clause such that an in-camera process can take place not when both parties want it or when any party wants it, but only when the party that feels wronged wants it. For the purpose of providing her with emotional support, the injured party ought to be granted permission to bring along any female relative or social worker she sees fit. Complaints of domestic abuse may be lodged with either the protection officer or the police officer, in accordance with the provisions of section 498-A of the Indian Penal Code, according to the Act. Both of the authorities are able to carry out their investigations in their own right and then present their findings to the Magistrate. In the event that the two agencies produce reports that are in conflict with one another, it is the responsibility of the Magistrate, who possesses the final power, to make a determination. This parallel investigation into the same offence has been concluded, which brings us to one of the Act's key flaws. The Act does not address the issue of non-compliance with certain directives. It eliminates any possibility of conciliation in the foreseeable future. The most serious problem with this assumption is that it gives the impression that all future attempts at reconciliation would be futile. On the one hand, the Act punishes a man for coercing his wife into quitting her employment, and on the other hand, it gives financial support to the exact same woman who was coerced into quitting her job. However, the law does not provide for any such remedy to be made available to a man in any situations that are comparable. According to the Act, in the event that there are no eyewitnesses available, the woman will serve as the principal witness, and her testimony will be taken into consideration together with other circumstantial evidence in order to reach a decision regarding the facts of the case. This has effectively given all women the authority to punish males whenever they choose to. The sloppy wording of this rule will make it possible for women who are crafty and without scruples to administer a lesson to any of her male relatives at her alone command if she so chooses. There is no question that the Act is a milestone piece of legislation in the history of India, and the people of India greeted it with great excitement. Despite this, there is worry among the people over the misuse of the Act against the innocent husband and his family members. There is no way that one can state, in a broad sense, that problems, torments, and disagreements of any type

always originate on the part of the spouse and the in-laws. This is categorically not the case. It is not always accurate to say that the married lady acts in a just and fair manner. This Act is being misused in a lot of situations, where it is being used as a weapon by wives and their paternal relatives to put an innocent husband and their family through undue harassment. This is occurring in a number of cases where it is being used as a weapon. Therefore, before going forward with the application of the provisions of the Protection of Women from Domestic Violence Act, 2005, the concerned parties and authorities should think about the consequences of the application. This is to ensure that innocent people and their families are not subjected to unnecessary harassment as a result of the application.

### **Domestic Violence:-**

When one person in a family-like or domestic connection makes an effort to compel or control another individual, this behaviour is referred to as domestic violence. Abuse of power occurs in domestic violence, which can manifest as physical violence, sexual abuse, emotional or psychological abuse, emotional or psychological abuse, verbal abuse, stalking and intimidation, social and geographic isolation, financial abuse, cruelty to pets or damage to property, or threats to be violent in these ways. Men are the primary offenders of violence against women in the home, accounting for the vast majority of reported incidents. In the context of this article, "domestic violence" refers to any and all instances of physical, sexual, psychological, or financial abuse that take place within the context of a family or other domestic unit, or between former or current spouses or partners. This definition applies regardless of whether or not the offender shares or has shared the same residence as the victim.

### **2.5 Forms of Domestic Violence:-**

Abuse in the home can take many forms, including emotional, psychological, physical, sexual, and financial mistreatment of a partner or family member. Many perpetrators of domestic violence engage in activities that encompass more than one form of abusive behaviour, and the lines dividing many of these patterns of conduct are sometimes fairly hazy.

#### **Emotional or Psychological Abuse**

Abuse on an emotional or psychological level can take the form of either verbal or nonverbal communication. This is the most significant kind of violence that is committed against women. Verbal abuse, such as screaming, calling someone offensive names, laying blame, and humiliating are all examples of emotional abuse. Isolation, intimidation, threats of violence, and conduct that controls you are all examples of controlling behaviour.

#### **Physical Abuse**

The term "physical abuse" can refer to a wide variety of activities, including but not limited to the following: punching, slapping, striking, biting, pinching, kicking, ripping out hair, pushing, shoving, burning, and strangling.

#### **Sexual Abuse**

In violent relationships, a woman's right to consent is likely to be disregarded, which makes rape and other forms of sexual abuse more frequent. Sexual abuse can take place in any circumstance in which an individual is coerced into engaging in sexual behaviour that is not desired, is hazardous, or is demeaning.

Additionally, it is believed that women whose partners abuse them physically and sexually are at a higher risk of enduring many attacks that escalate in severity over time.

### **Economic or Financial Abuse**

Abuse on the economic or financial front has the goal of preventing the victim from getting the assistance they need. Controlling the finances, withholding money, making someone unreasonably account for money spent or gasoline used, exploiting assets, withholding basic necessities, preventing someone from working, deliberately running up debts, forcibly working against someone's will, and sabotaging someone's job are all examples of tactics that can be used.

### **Honor based violence**

Domestic abuse is referred to as "honour based violence" (HBV) when it is committed in the name of anything that is purported to be "honour." HBV might include a woman having a lover, turning down a forced marriage, having interfaith relationships, wanting a divorce, dressing inappropriately or wearing improper make-up, or even kissing in public. HBV can exist in any culture or community where males are in a position to establish and enforce women's conduct. Some examples of such cultures and communities include South Asian, Turkish, Kurdish, Afghani, African, Middle Eastern, South and Eastern European, India, Pakistan, and others; however, the prevalence of HBV in Bangladesh is not at an extreme level.

### **Early and Forced Marriage**

This is a significant challenge for the society that we live in. In Bangladesh, the term "early marriage" refers to a union that takes place before the age of 18 for a woman and before the age of 21 for a man. A marriage is considered to be "forced" if it is done under coercion, without the free and informed agreement of both parties, and against one or both of their wills. Those who are married against their will may be subjected to a variety of traumatic experiences, including physical assault, rape, kidnapping, false incarceration, servitude, emotional abuse, and even murder. It is imperative that the terms "forced marriage" and "arranged marriage" not be confused with one another. In the case of a "arranged" marriage, both parties give their informed permission to the union.

### **Female Genital Mutilation**

Female genital mutilation, sometimes known as female circumcision, is a practise in which females, who are often under the age of 16, submit to operations that are mistakenly believed to protect their virginity and marital faithfulness. FGM is also frequently referred to as female circumcision. In many cases, health practitioners are in the greatest position to recognise women who have been subjected to FGM. The labia and clitoris may be partially or entirely removed during the treatment, depending on the patient's preferences. It is common practise to carry out this procedure without obtaining the young women's consent, administering anaesthesia, or taking any precautions against infection. It is projected that two million women will have their genitalia altered in some way every single year.

### **Elder Abuse**

Abuse of the elderly might fall under the category of domestic abuse. This refers to the act of causing injury or distress to an older person within the context of a relationship in which there is an expectation of trust being maintained. The majority of abused seniors are elderly ladies who are either disabled or suffer

from a chronic ailment. Once more, the most common offenders are intimate partners, adult children, or other members of the same family.

### **Teen 'dating' abuse**

Abuse in the home is not something that just happens between adults; there is growing understanding that violence may occur amongst teenagers as well. A boyfriend has been accused of physically abusing many teenage females. When compared to women of other age groups, young women are more likely to be victims of sexual violence. Younger women who are in relationships with older males are more likely to become victims of crime.

### **Domestic abuse during pregnancy**

Abuse in the home during pregnancy is a major cause for worry from a public health perspective and can have devastating effects on both the mother and the unborn child. When a woman is abused when she is pregnant, she is likely to have injuries to her genitalia, breasts, and abdomen. As a result, it may be deduced that abusive relationships inside the home are responsible for a sizeable share of the maternal and perinatal death and morbidity rates. The most common complications that can result from violence during pregnancy are placental separation, foetal fractures, antepartum haemorrhage, uterine rupture, and premature labour. Abuse can also have a secondary, more indirect effect on the health of a woman and her unborn child by causing the mother to have a poor diet and limiting her access to prenatal care.

### **SUGGESTIONS**

1. The precarious position of women lies at the heart of the problem; it is essential that the issue of domestic violence in India be comprehended in its proper context. should have an understanding of the factors that lead to women's being susceptible and placing themselves in positions where they might be exploited. The vast majority of women are illiterate; in addition, they are subjected to a form of abuse that is not spoken about; and last, they are forced to conform to social conventions.
2. The underlying social structure of India, which has existed for a very long time, is patriarchal, which means that the society is dominated by males. Both men and women need to change their attitudes toward one another. Attacks on innocent people are almost always precipitated by power dynamics in relationships that are imbalanced. Alterations need to be made in the mentalities of both men and women in order to break the cycle of violence that leads to victimisation.
3. Internalization of Legal Norms with Public Consensus Domestic abuse is still considered to be a "interfamilial matter" in our nation, which forbids the participation of both close relatives and strangers, as well as the state. However, this perception is beginning to change. In order for any legislation to be effectively implemented in real life, it must first win the support of a sizable majority of the general people and be subjected to democratic procedures.
4. The strict legal mandate that was established for officers and other stake holders; the officers and the institution are responsible for the more efficient implementation of the Act. It is essential to eradicate gender discrimination, the conventional relations of patriarchal societies, and male predominance in today's society.
5. Training on the gender perspective is essential Training on the gender perspective should be required by law. It is essential for changing the fundamental mindset of patriarchal society, the police, service providers, medical practitioners, protection officers, and especially magistrates,

who frequently advise women to "stop complaining" and "put up with the violence." Gender perspective training should be made mandatory by the law.

6. Counseling by an Expert During the pre-litigation stage, an expert should provide counselling to the person who feels wronged in order to help her regain her self-esteem, provide her emotional support, and guide her toward reaching a choice on whether or not to initiate legal procedures.

## CONCLUSION

In India, not only is it common for women to be victims of domestic abuse, but it is also practically unavoidable. Since the moment her mother conceives her existence while she is still in her mother's womb, she has been subjected to violence, and ever since then, she has been forced to struggle for her survival in this harsh society at every stage of her life span. Because the majority of the women in our country are illiterate and because they are not aware of the basic law provision and also about their rights, the majority of the time they do not file legal complaints against those individuals who violate their rights and commit crimes against them. This is because of the fact that they do not know about their rights. Lack of awareness about the law and rights guaranteed under that legislation for them, but the most important problem is that women are not informed of their rights, which is related to traditional practises. Lack of awareness about the law and rights guaranteed under that legislation for them. The legal remedies that are provided by the government for the protection of women are not able to be obtained by the victims of the violence. Women are still viewed as secondary sexe in our society, which is believed to be bound by tradition and is male-dominated. This causes them to experience the effects of violence in silence, which is why it persists. The reality that women in India are subjected to human rights violations in a manner that is peculiar to their gender in India. She is frequently disregarded and underappreciated. The Protection of Women from Domestic Violence Act (PWDVA), 2005 was approved by the Parliament in response to the increasing need for legislation of this kind all over the world, as well as the results of the ongoing efforts of women's organisations that are fighting for the advancement of women. The Act grants the women's rights and ensures their protection. Prior to the passage of the PWDVA in 2005, the victim had access to remedies in the form of punishment for the offender under the Indian Penal Code (IPC). The civil remedies of divorce and maintenance did not provide her with complete relief. The remedies that were available were related to matrimonial proceedings and also accorded with court proceedings. Women had access to statutory provisions as well as constitutional provisions; however, these provisions were insufficient, and the most significant issue regarding it was a lack of awareness about their rights, which the constitution provides for the protection of women. Those provisions were insufficient. The effects of domestic violence are not limited by factors such as race, caste, religion, or social status.

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